

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

TRUSTEES of the LOCAL 813 PENSION
TRUST FUND; TRUSTEES of the LOCAL 813
INSURANCE TRUST FUND; and TRUSTEES
of the NURSES AND LOCAL 813 IBT
RETIREMENT TRUST FUND,

Plaintiffs,

v.

ALLSTATE DISMANTLING CORP.; ALL
STATE INTERIOR NJ CORP.; MILLENNIUM
SERVICES, LLC; and NEW LAND
INTERIORS CORP.,

Defendants.

No.: 1:23-cv-00623-BMC

CONSENT JUDGMENT

WHEREAS, Plaintiffs, the Trustees (the “Trustees”) of the Local 813 Pension Trust Fund (the “Pension Fund”), the Local 813 Insurance Trust Fund (the “Insurance Fund”), and the Nurses and Local 813 IBT Retirement Trust Fund (the “Nurses Fund”) (collectively, the “Funds”), commenced the above-captioned action (the “Action”) under the Employee Retirement Income Security Act of 1974 (“ERISA”) to recover delinquent contributions owed by Defendant Allstate Dismantling Corp. (“Allstate”) to the Funds and the withdrawal liability resulting from its complete withdrawal from the Pension Fund as of October 1, 2022;

WHEREAS, as of October 1, 2022, Allstate was a trade or business under common control with Defendants All State Interior NJ Corp., Millennium Services, LLC, and New Land Interiors Corp. (collectively, and together with Allstate, the “Controlled Group”) within the meaning of 29 U.S.C. § 1301(b)(1);

WHEREAS, the Trustees and the Controlled Group agree it is in their respective interests to resolve the Action upon the terms set forth in this Consent Judgment;

WHEREAS, the Trustees and the Controlled Group, upon due consideration and having been fully advised of its contents, have consented to the entry of this Consent Judgment; and

WHEREAS, upon consideration of the record herein, and as agreed to by the Trustees and the Controlled Group, the Court finds it has jurisdiction to enter this Consent Judgment.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

1. Judgment is entered in favor of the Funds and against Allstate in the liquidated amount of \$131,565.54, which amount consists of \$95,476.18 in contributions, \$18,044.68 in accrued interest, and \$18,044.68 in liquidated damages pursuant to 29 U.S.C. § 1132(g);

2. Judgment is entered in favor of the Pension Fund and against the Controlled Group in the liquidated amount of \$3,314,720.71, which amount consists of \$2,456,258.40 in accelerated withdrawal liability, \$367,210.63 in interest, and \$491,251.68 in liquidated damages pursuant to 29 U.S.C. § 1132(g);

3. Judgment is entered in favor of the Funds and against the Controlled Group in the additional liquidated amount of \$120,000.00, representing reasonable attorneys' fees and costs incurred by the Trustees pursuant to 29 U.S.C. § 1132(g).

4. This Consent Judgment will be binding upon the Funds and the Controlled Group, and each of their respective successors and assigns; and

5. The Court will retain jurisdiction over the Action for the purpose of enforcing this Consent Judgment.

Dated: August 23, 2023

PROSKAUER ROSE LLP

By: 
Neil V. Shah

Eleven Times Square
New York, New York 10036
(212) 969-3028
nshah@proskauer.com

Counsel for Plaintiffs

Dated: August __, 2023

ECHTMAN & ETKIND, LLC

By: _____
David Etkind

551 Fifth Avenue, 3rd Floor
New York, New York 10176
(212) 757-2310
davidetkind@yahoo.com

Counsel for Defendants

Dated: August __, 2023

PROSKAUER ROSE LLP

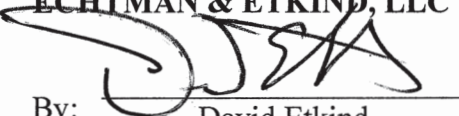
By: _____ Neil V. Shah

Eleven Times Square
New York, New York 10036
(212) 969-3028
nshah@proskauer.com

Counsel for Plaintiffs

Dated: August 21, 2023

ECHTMAN & ETKIND, LLC

By:  _____ David Etkind

551 Fifth Avenue, 3rd Floor
New York, New York 10176
(212) 757-2310
davidetkind@yahoo.com

Counsel for Defendants

SO ORDERED: 8/23/23

Brian M. Cogan

USDJ